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Assistant Commissioner for Patents
Washington, DC 20231

Sent by US EXPRESS mail article ET663103453US, see page 11 for Certificate of Express Mailing.

Re: Patent Application of Brad A. Armstrong
Serial No.: 09/955,838
Filed: 09/18/01

Title: ANALOG SENSOR(S) WITH SNAP-THROUGH TACTILE FEEDBACK
Examiner: Karl Easthom
GAU: 2832

P (0018)
encl
JAMS
K92
10/10/2
Sir:

REMARKS

This is responsive to the Office Action, date mailed 07/12/2002, regarding patent application 09/955,838. Please make the herein requested amendments to the application. Please reexamine the application in view of the herein remarks and amendments, and find the application in complete condition of allowance. Thank you.

Regarding points 1-4 of the Office Action:

With the filing of the instant application on 09/18/2001, Applicant submitted three terminal disclaimers and the fee payments for recording. These terminal disclaimers were attached to the application when the application was filed on 09/18/2001. One of these terminal disclaimers submitted and paid for on 09/18/2001 was regarding U.S. Patent 5,999,084 mentioned in the current Office Action on page 2 in point 3. The \$55.00 fee was paid at that time for the filing of that terminal disclaimer. The fee payment was included in the \$756.00 check sent with the application on 09/18/2001.

The terminal disclaimer regarding U.S. Patent 5,999,084 was submitted on 09/18/01 using the "best" information available at

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that time. The instant application did not yet have an application number or an official filing date, but the instant application is clearly identified on the terminal disclaimer by the Title, and also by reference to it in the body of the disclaimer as "the instant application". The Examiner is invited / requested (if necessary) to fill-in the instant application number 09/955,838 and filing date 09/18/2001 on the terminal disclaimer if he wishes, or if there is a Rule requiring such, notify Applicant to submit a new updated terminal disclaimer if needed. Also, please do not record any terminal disclaimers which were sent earlier by Applicant which are not seen as being needed by the Examiner. Thank you.

Applicant submitted the terminal disclaimers only to expedite the advancement of this application toward issuance and because the submission of a terminal disclaimer is not an admission of anything, see Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991) and in particular therein the statement

"a terminal disclaimer is of circumscribed availability and effect. It is not an admission of obviousness of the latter filed claimed invention in light of the earlier filed disclosure" .

Also, from the Manual of Patent Examining Procedure, Section 804.02, it is clear the U.S. Patent Office accepts and agrees with the Court's holding that a terminal disclaimer is not an admission of anything.

Regarding points 5 and 6 of page 4 of the Office Action: The application of 35 USC 102(b) to claims 17 and 20 in view of Furukawa is noted. The claims rejected under 102(b) are herein amended, withdrawal of the rejection is requested. Thank you.

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Points 7-11 of pages 4-6 of the Office Action are noted.

Specifically regarding point 8 of the Office Action: The QUESTAL ORBIT QWEB disclosures were also "individually" listed on the Information Disclosure Statement sheets "Substitutes for form 1449A/PTO" submitted on 09/18/2001 along with the instant application filing. On 09/18/2001, 8 sheets of "Substitutes for form 1449A/PTO" were submitted, with the individual QUESTAL ORBIT QWEB (disclosures) specifically listed on sheet 3 and sheet 4. In the Office Action, date mailed 05/03/2002, the Examiner provides copies of these sheets including sheets 3 and 4, the copies including each separately listed disclosure marked and initialed by the Examiner as having been considered during the examination of the application and claims. Therefore Applicant believes the Examiner considered the individually provided disclosures of the QUESTAL ORBIT QWEB search, but not the stapled together 24 pages of just the Abstracts thereof listed as a group on sheet 6 of the Information Disclosure Statements also provided by Applicant. If this is not the case, please inform Applicant. Thank you.